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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,408	02/14/2006	Christophe Pierre Antoine Marie Girard	403416/WEINSTEIN	4583

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EXAMINER

BATTULA, PRADEEP CHOUDARY

ART UNIT	PAPER NUMBER
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3722

MAIL DATE	DELIVERY MODE
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05/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/539,408	Applicant(s) GIRARD, CHRISTOPHE PIERRE ANTOINE MARIE	
	Examiner Pradeep C. Battula	Art Unit 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/17/05, 2/14/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Herlitz (DE 2007 07 028 U1).

In regards to Claim 1, Herlitz discloses a document filing folder 10 comprising: a cover 20 (Figure 1) including an anterior sheet (Figure 2; page on left of spiral) and a posterior sheet (Figure 2; page on right of spiral), a binding 18a joining the anterior and posterior sheets (Figure 2, Item 18a), one of the anterior and posterior sheets having a first flap 33 along at least one of lower and upper edges (Figure 2, Item 33) and a second flap 32 along a lateral edge (Figure 2, Item 32), the flaps being foldable towards an interior side of the sheet for storing documents (Attachment; Novelty section), the documents being notebook pages securely linked to the binding for storing the notebook pages by folding the flaps successively (Attachment, Novelty section; sheets inside the notebook are disclosed and therefore notebook pages and are able to be stored in the formed pocket), one on top of another (Figure 2, Items 32, 33), toward the sheet, with the notebook pages stored under the flaps folded towards the sheet (Attachment, Novelty Section; pages can be stored in the folded sections nothing is to prevent the

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bound papers from being inserted since the pocket is capable of holding the bound pages).

In regards to Claim 3, as applied to Claim 1, Herlitz further discloses wherein the binding includes a spiral 18a, (Attachment, Novelty section; Figure 2, Item 18a; Herlitz) enabling the notebook pages to be stored flat over the sheet with the flaps.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herlitz in view of Gallot (FR 2 792 573).

In regards to Claim 2, as applied to Claim 1, Herlitz does not disclose wherein the sheet with the flaps is the posterior sheet.

Gallot discloses a document filing folder with a sheet 1 with the flaps 12, 16, and 17 is the posterior sheet (Figure 1, Items 1, 12, 1, 17).

Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use place Herlitz flaps on the posterior sheet since it has been held that rearranging parts of an invention involves only routine skill in the art. It would have also been obvious to a person having ordinary skill in the art at the time the invention was made to provide the additional flap of Gallot in order to

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provide an even stronger retaining means (Figure 1; Figure 3; Gallot) for Herlitz's documents.

In regards to Claim 4, as applied to Claim 1, Herlitz does not disclose a closing means including a rubber band attached to one of the anterior sheet and the posterior sheet, sliding relative to the sheet through eyelets, and which can be placed over at least one a corner of the other sheet and the sheet, parallel to the binding.

Gallot discloses a document filing folder with a closing means including a rubber band 4 attached to one of the anterior sheet 2 and the posterior sheet, sliding relative to the sheet through eyelets 6 (Page 3, Lines 5 – 6; Figure 1, Items 2, 4, 6; Gallot), and which is capable of being placed over at least one a corner of the other sheet and the sheet, parallel to the binding (Page 3, Lines 5 – 13; Gallot). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the band of Gallot in order to provide even further retaining means of the contents of Herlitz's book.

In regards to Claim 5, as applied to Claim 1, Herlitz does not disclose wherein one of the anterior sheet and the posterior sheet has three flaps, respectively along the lower and upper edges, and along the lateral edge.

Gallot discloses Gallot discloses a document filing folder with a sheet 1 with flaps 12, 16, and 17 (Figure 1, Items 1, 12, 1, 17) along the lower, upper and lateral edges. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the third flap of Gallot in Herlitz invention in order to

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provide an even stronger retaining means (Figure 1; Figure 3; Gallot) for Herlitz's documents.

In regards to Claim 6, as applied to Claim 2, Herlitz modified by Gallot further discloses wherein the binding includes a spiral 18a (Attachment, Novelty section; Figure 2, Item 18a; Herlitz), enabling the notebook pages to be stored flat over the sheet with the flaps.

In regards to Claim 7, as applied to Claim 2, Herlitz modified by Gallot further discloses a closing means including a rubber band 4 attached to one of the anterior sheet 2 and the posterior sheet, sliding relative to the sheet through eyelets 6 (Page 3, Lines 5 – 6; Figure 1, Items 2, 4, 6; Gallot), and which is capable of being placed over at least one a corner of the other sheet and the sheet, parallel to the binding (Page 3, Lines 5 – 13; Gallot). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the band of Gallot in order to provide even further retaining means of the contents of Herlitz's book.

In regards to Claim 8, as applied to Claim 3, Herlitz does not disclose a closing means including a rubber band attached to one of the anterior sheet and the posterior sheet, sliding relative to the sheet through eyelets, and which can be placed over at least one a corner of the other sheet and the sheet, parallel to the binding.

Gallot discloses a closing means including a rubber band 4 attached to one of the anterior sheet 2 and the posterior sheet, sliding relative to the sheet through eyelets 6 (Page 3, Lines 5 – 6; Figure 1, Items 2, 4, 6; Gallot), and which is capable of being placed over at least one a corner of the other sheet and the sheet, parallel to the

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binding (Page 3, Lines 5 – 13; Gallot). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the band of Gallot in order to provide even further retaining means of the contents of Herlitz's book.

In regards to Claim 9, as applied to Claim 2, Herlitz modified by Gallot further discloses wherein one of the anterior sheet and the posterior sheet has three flaps 12, 16, 17, respectively along the lower and upper edges, and along the lateral edge (Figure 1; Gallot).

In regards to Claim 10, as applied to Claim 3, Herlitz does not disclose wherein one of the anterior sheet and the posterior sheet has three flaps, respectively along the lower and upper edges, and along the lateral edge.

Gallot discloses wherein one of the anterior sheet and the posterior sheet has three flaps 12, 16, 17, respectively along the lower and upper edges, and along the lateral edge (Figure 1; Gallot). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the additional flap of Gallot in order to provide an even stronger retaining means (Figure 1; Figure 3; Gallot) for Herlitz's documents.

In regards to Claim 11, as applied to Claim 4, Herlitz modified by Gallot further discloses wherein one of the anterior sheet and the posterior sheet has three flaps 12, 16, 17, respectively along the lower and upper edges, and along the lateral edge (Figure 1; Gallot). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide the additional flap of Gallot

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in order to provide an even stronger retaining means (Figure 1; Figure 3; Gallot) for Herlitz's documents.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pradeep C. Battula whose telephone number is 571-272-2142. The examiner can normally be reached on Monday - Thursday 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PCB
Patent Examiner
April 30, 2007


MONICA CARTER
SUPERVISORY PATENT EXAMINER